

Exhibit D

From: [Kane, Mary \(USANYW\)](#)
To: [Bonsignore, James J.](#); [Pronti, James P.](#)
Cc: silvermans@silvermanlaw.net
Subject: RE: USMS WDNY and WDPa
Date: Wednesday, June 05, 2019 10:17:41 AM
Attachments: [image001.jpg](#)
[ATT00001.txt](#)

Jim

Eden Square is a different in that it is an “indicted property” and I understand Mr. Morgan and his counsel received a letter advising of penalties pursuant to Title 18, U.S.C §2232 for disposing or transferring the property:

(a) Destruction or Removal of Property To Prevent Seizure.

—

Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government’s lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both. In this instance, we must insist the net proceeds be held by USMS SADF until further discussions can be had.

MCK

From: Bonsignore, James J.
Sent: Wednesday, June 05, 2019 10:06 AM
To: Kane, Mary (USANYW) ; Pronti, James P.
Cc: silvermans@silvermanlaw.net
Subject: RE: USMS WDNY and WDPa
Importance: High

Mary:

We've consulted with the other principal's counsel, and collectively have the following concerns with the Marshal's service holding the escrow. In this case, it's not really an escrow at all. As you know, the criminal forfeiture statute only allows third parties to petition for their interests in forfeited funds after the criminal case is over. With the complexities of this case, that could mean a period of many months into years.

We would very much prefer the escrow to be held by the title company as an actual escrow. Any party would of course still have to petition the court for the release of the funds, but that process wouldn't be as cumbersome as it will with the government having already seized control of the proceeds as forfeited assets.

We'd ask that you please review this again and let us know if this is a viable option. If not, we will likely have to propose some qualifying language to insert into the stipulation as written.

We look forward to hearing from you and having further discussion to hopefully wrap this up today.

Jim

James J. Bonsignore, Esq.

Of Counsel

Direct Dial: 585-987-2903

Direct Fax: 585-362-4619

Company Logo



jbonsignore@woodsoviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

woodsoviatt.com

Please take note above, that along with our office move, that my direct dial telephone number and direct fax number have changed. Please update your contacts and address book with the new number shown above. Thank you!

1900 Bausch & Lomb Place, Rochester, New York 14604

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From: Kane, Mary (USANYW) [<mailto:Mary.Kane@usdoj.gov>]

Sent: Tuesday, June 04, 2019 4:38 PM

To: Bonsignore, James J.

Subject: RE: USMS WDNY and WDPa

OK

From: Bonsignore, James J. <JBonsignore@woodsoviatt.com>

Sent: Tuesday, June 04, 2019 4:28 PM

To: Kane, Mary (USANYW) <MKane@usa.doj.gov>; silvermans@silvermanlaw.net

Cc: Pronti, James P. <jpronti@woodsoviatt.com>; O'Brien, Dan <dobrien@woodsoviatt.com>

Subject: RE: USMS WDNY and WDPa

Mary – We are waiting on confirmation that the other equitable owner in the transaction who might otherwise be entitled to a portion of the sales proceeds has signed off. We hope to have an answer shortly.

James J. Bonsignore, Esq.

Of Counsel

Direct Dial: 585-987-2903

Direct Fax: 585-362-4619

jbonsignore@woodsoviatt.com

Firm Phone: 585-987-2800

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Please take note above, that along with our office move, that my direct dial telephone number and direct fax number have changed. Please update your contacts and address book with the new number shown above. Thank you!

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From: Kane, Mary (USANYW) [<mailto:Mary.Kane@usdoj.gov>]

Sent: Tuesday, June 04, 2019 4:26 PM

To: Bonsignore, James J.; silvermans@silvermanlaw.net

Subject: USMS WDNY and WDPa

Jim and Sam.

Are ok with stip as it is presently worded.

Unless there are any edits on your part I can send by COB today.

MCK

Mary Clare Kane

Assistant U.S. Attorney

Asset Forfeiture and Financial Litigation Unit

U.S. Attorney's Office

138 Delaware Avenue

Buffalo, New York

Desk: (716)843-5809

Fax: (716)551-5563

Company Logo



Received: from EX1.woods.intra (172.30.1.145) by EX2.woods.intra (172.30.1.146) with Microsoft SMTP Server (TLS) id 15.0.1473.3 via Mailbox Transport; Wed, 5 Jun 2019 10:17:41 -0400

Received: from EX2.woods.intra (172.30.1.146) by EX1.woods.intra (172.30.1.145) with Microsoft SMTP Server (TLS) id 15.0.1473.3; Wed, 5 Jun 2019 10:17:40 -0400

Received: from us-smtp-1.mimecast.com (172.30.10.252) by EX2.woods.intra (172.30.1.53) with Microsoft SMTP Server id 15.0.1473.3 via Frontend Transport; Wed, 5 Jun 2019 10:17:40 -0400

Received: from mx-jcotsa.usdoj.gov (mx-jcotsa.usdoj.gov [149.101.80.133]) (Using TLS) by relay.mimecast.com with ESMTP id us-mta-191-vFZs01-00Qyph7qkKcnvzg-1; Wed, 05 Jun 2019 10:17:36 -0400

Received: from mx.doj.gov ([10.187.9.62]) by DJJMDJC01-PP01NT07.jcotsa.jutnet.net (8.16.0.27/8.16.0.27) with ESMTP id x55EHZcL132047; Wed, 5 Jun 2019 14:17:35 GMT

Received: from CAR-RDC02.car.doj.gov (car-rdc02.car.doj.gov [10.222.1.12]) by pp-cefdc-03.doj.gov (8.16.0.21/8.16.0.21) with ESMTPS id x55EHZSJ147837 (version=TLSv1 cipher=ECDHE-RSA-AES256-SHA bits=256 verify=NOT); Wed, 5 Jun 2019 14:17:35 GMT

Received: from USAHUBSML216.usa.doj.gov (10.222.1.61) by car-rdc02.car.doj.gov (10.222.1.12) with Microsoft SMTP Server id 14.2.347.0; Wed, 5 Jun 2019 10:17:34 -0400

Received: from USAHUBSML211.usa.doj.gov (10.200.1.240) by USAHUBSML216.usa.doj.gov (10.200.1.246) with Microsoft SMTP Server (TLS) id 15.0.1365.1; Wed, 5 Jun 2019 10:17:34 -0400

Received: from USAHUBSML212.usa.doj.gov (10.200.1.241) by USAHUBSML211.usa.doj.gov (10.200.1.240) with Microsoft SMTP Server (TLS) id 15.0.1365.1; Wed, 5 Jun 2019 10:17:33 -0400

Received: from USAHUBSML212.usa.doj.gov ([fe80::8c38:2f8e:f149:753d]) by USAHUBSML212.usa.doj.gov ([fe80::8c38:2f8e:f149:753d%17]) with mapi id 15.00.1365.000; Wed, 5 Jun 2019 10:17:33 -0400

From: "Kane, Mary (USANYW)" <Mary.Kane@usdoj.gov>

To: "Bonsignore, James J." <JBonsignore@woodsoviatt.com>, "Pronti, James P." <jpronti@woodsoviatt.com>

CC: "silvermans@silvermanlaw.net" <silvermans@silvermanlaw.net>

Subject: RE: USMS WDNY and WDPa

Thread-Topic: USMS WDNY and WDPa

Thread-Index: AdUbe4P4WKB76/OdQ/KSI o3mSDrnPwAADavwAABj 5DAAI aYwEAADK0AA

Date: Wed, 5 Jun 2019 14:17:33 +0000

Message-ID: <3d09f33584194d9f9862881b034fccfa@USAHUBSML212.usa.doj.gov>

References: <b4c5c809c3894de8af4b17617aa282fb@USAHUBSML212.usa.doj.gov> <213c0894d4014110a9fbf19d60f7d0dd@EX2.woods.intra> <265ef103193b43eeb18302e8329ed727@USAHUBSML212.usa.doj.gov> <8a4a9fcb22f64615a4f232e55eece4a3@EX2.woods.intra>

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Content-Language: en-US

X-MS-Exchange-Organization-AuthSource: EX2.woods.intra

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

x-originating-ip: [10.200.16.198]

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header.from=usdoj.gov; spf=pass (relay.mimecast.com: domain of
mary.kane@usdoj.gov designates 149.101.80.133 as permitted sender)
smtp.mailfrom=mary.kane@usdoj.gov
dkim-signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usdoj.gov; h=from : to
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